

**BOARD OF SUPERVISORS**

**MINUTES**

**January 14, 2004**

**Supervisors in Attendance:**

Mr. Kelly E. Miller, Chairman  
Mr. Edward B. Barber, Vice Chrm.  
Mrs. Renny B. Humphrey  
Mr. R. M. "Dickie" King, Jr.  
Mr. Arthur S. Warren

Mr. Lane B. Ramsey  
County Administrator

**Staff in Attendance:**

Mr. George Braunstein,  
Exec. Dir., Community  
Services Board  
Mr. Craig Bryant, Dir.,  
Utilities  
Ms. Marilyn Cole, Asst.  
County Administrator  
Ms. Rebecca Dickson, Dir.,  
Budget and Management  
Mr. Bruce Dove, Asst.  
Dir., Parks  
Mr. James Dunn, Dir.,  
Economic Development  
Mr. William Dupler,  
Building Official  
Ms. Lisa Elko, CMC  
Clerk  
Chief Stephen A. Elswick,  
Fire Department  
Mr. Lawrence C. Haake, III  
Registrar  
Mr. Bradford S. Hammer,  
Deputy Co. Admin.,  
Human Services  
Mr. John W. Harmon,  
Right-of-Way Manager  
Mr. Russell Harris, Mgr.  
of Community Development  
Services  
Mr. Joseph Horbal,  
Commissioner of Revenue  
Mr. Thomas E. Jacobson,  
Dir., Planning  
Mr. H. Edward James,  
Dir., Purchasing  
Mr. Donald Kappel, Dir.,  
Public Affairs  
Ms. Barbara Mayfield, Dir.,  
Emergency Comm. Ctr.  
Mr. R. John McCracken,  
Dir., Transportation  
Lt. Col. Dennis McDonald,  
Police Department  
Mr. Richard M. McElfish,  
Dir., Env. Engineering  
Mr. Steven L. Micas,  
County Attorney  
Mr. Francis Pitaro, Dir.,  
General Services  
Ms. Karen F. Russell,  
Risk Manager

Mr. James J. L. Stegmaier,  
Deputy Co. Admin.,  
Management Services  
Mr. M. D. Stith, Jr.,  
Deputy Co. Admin.,  
Community Development  
Mr. Thomas Taylor, Dir.,  
Block Grant Office  
Sheriff Clarence Williams,  
Sheriff's Department

Mr. Ramsey called the regularly scheduled meeting to order at 4:07 p.m. He congratulated the returning Board members on their re-election and also congratulated Mr. King and welcomed him to the Board of Supervisors.

**1. ORGANIZATIONAL MEETING**

**1.A. ELECTION OF CHAIRMAN AND VICE CHAIRMAN**

Mr. Ramsey stated that the first order of business would be the election of Chairman and Vice Chairman for 2004.

Mr. Barber nominated Mr. Miller to serve as Chairman for 2004.

Mr. Warren made a motion, seconded by Mr. Barber, for the Board to close the nominations.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

The vote on election of Mr. Miller as Chairman of the Board of Supervisors for 2004 was as follows:

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

Mr. Miller was elected as Chairman.

Mr. Ramsey congratulated Mr. Miller on being elected as Chairman for 2004.

Mr. King then nominated Mr. Barber to serve as Vice Chairman for 2004.

Mr. Warren made a motion, seconded by Mr. Miller, for the Board to close the nominations.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

There being no additional nominations, nominations for election of Vice Chairman of the Board of Supervisors were closed by the Chairman.

The vote on election of Mr. Barber to serve as Vice Chairman of the Board of Supervisors for 2004 was as follows:

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

Mr. Barber was elected as Vice Chairman.

**1.B. CONSIDERATION OF BOARD APPOINTMENTS**

o **PLANNING COMMISSION**

On motion of Mr. Warren, seconded by Mr. Barber, the Board appointed/reappointed the following members to serve on the Planning Commission, whose terms are effective January 1, 2004 and expire December 31, 2007:

<u>Name</u>	<u>District</u>
Mr. Jack Wilson	Bermuda
Mr. Sherman Litton	Dale
Mr. Russell J. Gulley	Clover Hill
Mr. Wayne Bass	Matoaca
Mr. Daniel A. Gecker	Midlothian

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

o **COMMITTEE ON THE FUTURE**

On motion of Mr. Warren, seconded by Mr. Barber, the Board appointed/reappointed the following members to serve on the Committee on the Future, whose terms are at the pleasure of the Board:

<u>Name</u>	<u>District</u>
Dr. Walter Beam	Bermuda
Mr. Victor W. Liu	Clover Hill
Ms. Tracy Williamson	Clover Hill
Ms. Nancy S. Hudson	Dale
Mr. Edward DeGennaro	Dale
Dr. Grace Norbrey	Matoaca
Mrs. Diane Horner	Matoaca
Mr. Reuben J. Waller, Jr.	Midlothian
Ms. Bet Ludden	Midlothian

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

o **RICHMOND REGIONAL PLANNING DISTRICT COMMISSION**

On motion of Mr. Warren, seconded by Mr. Barber, the Board appointed/reappointed Mr. R. M. "Dickie" King, Jr., Mr. Arthur S. Warren, Mr. Edward B. Barber, Mr. Kelly E. Miller, Mrs. Renny Bush Humphrey, Mr. George Roarty (citizen representative), and Mr. M. D. Stith, Jr. (alternate) to serve on the Richmond Regional Planning District Commission, whose terms are effective January 1, 2004 and expire December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

○ **RICHMOND AREA METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION**

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Mr. R. John McCracken to serve on the Richmond Area Metropolitan Transportation Planning Organization, whose term is at the pleasure of the Board.

And, further, the Board simultaneously nominated/appointed/reappointed Mr. R. M. "Dickie" King, Jr., Mr. Shermon W. Litton and Mr. Edward B. Barber to serve on the Richmond Metropolitan Transportation Planning Organization, whose terms are effective January 1, 2004 and expire December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

○ **CRATER PLANNING DISTRICT COMMISSION**

On motion of Mr. Warren, seconded by Mr. Barber, the Board appointed/reappointed Mr. R. M. "Dickie" King, Jr., Mr. Arthur S. Warren, Mrs. Renny Bush Humphrey, Ms. Martha Casey and Mr. M. D. Stith, Jr. (alternate) to serve on the Crater Planning District Commission, whose terms are effective January 1, 2004 and expire December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

○ **TRI-CITIES AREA METROPOLITAN PLANNING ORGANIZATION (CRATER MPO)**

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Mrs. Renny Bush Humphrey to serve on the Tri-Cities Area Metropolitan Planning Organization (Crater MPO), whose term is effective January 1, 2004 and expires December 31, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

○ **GREATER RICHMOND PARTNERSHIP, INCORPORATED**

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Mr. Arthur S. Warren to serve on the Greater Richmond Partnership, Incorporated, whose term is effective January 1, 2004 and expires December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

○ **RICHMOND METROPOLITAN CONVENTION AND VISITORS BUREAU**

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Mr. Edward Barber to serve on the Richmond Metropolitan Convention and Visitors Bureau, whose term is effective January 1, 2004 and expires December 31, 2004.

And, further, the Board appointed Mr. Kirby Brooks to serve on the Richmond Metropolitan Convention and Visitors Bureau, whose term is effective January 1, 2004 and expires June 30, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

o SOCIAL SERVICES BOARD

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Mr. Kelly E. Miller to serve on the Social Services Board, whose term is effective January 1, 2004 and expires December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

o CAPITAL REGION AIRPORT COMMISSION

On motion of Mr. Warren, seconded by Mr. Barber, the Board appointed/reappointed Mr. Kelly E. Miller, Mr. Arthur S. Warren, Mr. Daniel A. Gecker and Mr. John V. Mazza, Jr. to serve on the Capital Region Airport Commission, whose terms are effective January 1, 2004 and expire December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

o PARKS AND RECREATION ADVISORY COMMISSION

On motion of Mr. Warren, seconded by Mr. Barber, the Board appointed/reappointed the following members to serve on the Parks and Recreation Advisory Commission, whose terms are effective January 1, 2004 and expire December 31, 2007:

<u>Name</u>	<u>District</u>
Ms. Terry Minor	Clover Hill
Mr. Frank McDavid	Clover Hill
Mr. Robert E. Terrell	Dale
Mr. Dennis Harding	Dale
Mr. Earl Gee	Matoaca
Mr. Tim Russell	Matoaca
Mr. Ron Maxey	Midlothian

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

o CAPITAL AREA TRAINING CONSORTIUM

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Mr. Bradford Hammer to serve on the Capital Area Training Consortium, whose term is at the pleasure of the Board.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

o **MAYMONT FOUNDATION**

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Mr. Kelly E. Miller to serve on the Maymont Foundation, whose term is effective January 1, 2004 and expires December 31, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

o **DISABILITY SERVICES BOARD**

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Rev. Donna Mott, representing the county at-large, and Mrs. Alice Magee, representing the Dale District, to serve on the Disability Services Board, whose terms are effective January 1, 2004 and expire December 31, 2006.

And, further, the Board appointed Ms. Carol Granger, County Government representative, to serve on the Disability Services Board, whose term is effective immediately and expires December 31, 2004. (It is noted Ms. Granger will fill the unexpired term of Ms. Judy Rossi.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

o **SOLID WASTE ADVISORY COMMITTEE**

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Mr. Paul Swenson, representing the Midlothian District, to serve on the Solid Waste Advisory Committee, whose term is effective January 1, 2004 and expires December 31, 2006.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

o **CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY**

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Mr. Robert Dunn, representing the county at-large, and Mr. Howard Heltman (alternate) to serve on the Central Virginia Waste Management Authority, whose terms are effective January 1, 2004 and expire December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

o **CENTRAL VIRGINIA WASTE MANAGEMENT PLAN CITIZEN ADVISORY COMMITTEE**

On motion of Mr. Warren, seconded by Mr. Barber, the Board reappointed Mr. Fran Pitaro, staff representative, to serve on the Central Virginia Waste Management Plan Citizen Advisory Committee, whose term is effective January 1, 2004 and expires December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller confirmed the following committee appointments:

- **BUDGET AND AUDIT COMMITTEE**

Mr. Warren and Mr. Miller (Unspecified Term)

- **COUNTY EMPLOYEE BENEFITS COMMITTEE**

Mr. Barber and Mrs. Humphrey (Unspecified Term)

- **COUNTY OFFICE SPACE NEEDS, COURTS SPACE, AND FAMILY COURT COMMITTEE**

Appointments will be made when necessary.

- **DRUG COURT COMMITTEE**

Mr. Miller and Mr. King (Unspecified Term)

- **SCHOOL BOARD LIAISON COMMITTEE**

Mr. Warren and Mr. Barber (Unspecified Term)

- **SOLID WASTE ADVISORY COMMITTEE**

Mrs. Humphrey and Mr. Miller (one-year term expiring 12/31/2004)

- **COALITION OF HIGH GROWTH COMMUNITIES**

Mr. Warren (Unspecified Term)

- **VIRGINIA'S GATEWAY REGION BOARD**

Mr. King (term expires 9/30/2004)

- **RED CROSS LOCAL GOVERNMENT ADVISORY COMMITTEE**

Mrs. Humphrey (term expires 12/31/2004)

**1.C. ADOPTION OF PROCEDURES OF THE BOARD OF SUPERVISORS GOVERNING MEETINGS IN 2004**

On motion of Mr. Barber, seconded by Mr. Warren, the Board adopted the Procedures of the Board of Supervisors Governing the Board of Supervisors for 2004, as amended. (It is noted a copy of the 2004 Procedures of the Board of Supervisors is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**1.D. SETTING OF REGULAR MEETING DATES FOR 2004**

On motion of Mr. Barber, seconded by Mr. Warren, the Board adopted the regular and special meeting date schedule for 2004, as follows:

January 14, 2004 at 4:00 p.m.  
January 28, 2004 at 3:30 p.m.

February 11, 2004 at 3:30 p.m.  
February 25, 2004 at 3:30 p.m.

March 8, 2004 at 6:00 p.m.  
March 10, 2004 at 3:30 p.m.  
March 24, 2004 at 3:30 p.m.

April 14, 2004 at 3:30 p.m.  
April 28, 2004 at 4:00 p.m.

May 26, 2004 at 3:30 p.m.

June 23, 2004 at 3:00 p.m.

July 28, 2004 at 3:00 p.m.

August 25, 2004 at 3:00 p.m.

September 22, 2004 at 3:30 p.m.

October 13, 2004 at 4:00 p.m.  
October 27, 2004 at 4:00 p.m.

November 10, 2004 at 4:00 p.m.  
November 23, 2004 at 4:00 p.m.\*\*

December 15, 2004 at 3:30 p.m.\*

\* Third Wednesday

\*\* Tuesday, due to the Thanksgiving Holiday

#### Special Meeting Dates for 2004

Special Budget Work Session - March 8, 2004 at 6:00 p.m. -  
Public Meeting Room

Budget Public Hearing - March 24, 2004 at 7:00 p.m. in the  
Public Meeting Room

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

Mr. Miller expressed appreciation to the Board for the privilege of serving as 2004 Chairman. He congratulated Mr. King upon his election and welcomed him to the Board. He thanked Mr. Warren for his leadership as 2003 Chairman. He stated he feels the Board's first priority is to act as exemplary stewards of the taxpayers' resources, and the Board should look for ways to eliminate wasteful spending and to wisely manage its resources. He urged the Board to be more careful as budget considerations are approaching and stated, in preparation for the anticipated bond referendum, the Board must be sure it is asking the public to finance needed improvements as opposed to wish-list wants. He further stated the Board must provide adequate school facilities for educating our children. He stressed the importance of continuing to seek ways to attract good quality business to the county, promoting the county as a business-friendly community, and providing assistance to help existing businesses prosper. He requested that County Administration assess the Economic Development Department to assure that



appropriate allocations of resources are being made to attract and promote business in the county and to assist existing businesses wherever possible. He further requested that County Administration direct a review of all planning fees and regulations to eliminate any unnecessary delays in seeking planning approvals and also eliminate unnecessary costs to businesses. He expressed concerns that certain areas of the county, particularly Route 360 in the Clover Hill and Matoaca Districts, are now experiencing some real growth issues. He expressed further concerns that little has been done to provide relief to growth issues since the 2002 Growth Summit. He requested that the Board join him in taking aggressive and positive initiatives to address the growth issues as follows: 1) Direct Administration and staff, including the Planning Department, to begin immediate review of the Comprehensive Plan to determine what modifications need to be made to address the growth issues, particularly in the 360 Corridor, indicating that attention should also be given to road improvements on Route 10 between U.S. Route 1/301 and Interstate 295; 2) Direct the Planning Commission to review its consideration of differential proffers, reducing density and other measures that were suspended for some reason; and 3) Direct the Planning Commission to consider establishment of a Corridor Overlay District that would bring more restrictive development standards with a possible regional approach to its infrastructure needs similar to the Regional BMP concept recently adopted by the Board. He stated developers might be asked to jointly provide certain infrastructure if they choose to develop in a delineated area, and increased cash proffers might be considered for development in the designated high growth areas. He further stated more open space should be provided in plans for development, and enhanced transportation proffers might be a part of the regional approach. He suggested that impact fees on zoned, but undeveloped, properties may be an additional tool and should be carefully evaluated and aggressively pursued wherever appropriate. He stated the Board will be asked to consider an extension of the Powhite Parkway to Route 360 in 2004, and stressed the importance of careful assessment of the impact of this extension upon the county. He urged the Board to join him in directing County Administration to ensure that appropriate allocation of resources would be made available and, if necessary, additional planning personnel be budgeted for, as required to implement any directives from the Board concerning growth management. He stated that the confidential memo from the County Attorney to the Board of Supervisors regarding growth management tools is being immediately released to the public. He requested that the Board join him in directing County Administration and staff to prepare specific proposals for the Board's consideration dealing with new zoning as well as existing zoning of undeveloped properties. He further requested the Board's support of a working retreat at an appropriate time when specific proposals will be made for specific implementations. He stated his vision for the county's future is a community that affords the best possible quality of life for its citizens; continued enjoyment of excellent schools and public services with a reasonable tax burden on its citizens; the best possible business climate that affords quality employment for generations to come; and a safe and secure neighborhood for families to live in.

## **2. APPROVAL OF MINUTES**

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved the minutes of December 11, 2003 and December 17, 2003, as submitted.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## **3. COUNTY ADMINISTRATOR'S COMMENTS**

There were no County Administrator's comments at this time.

## **4. BOARD COMMITTEE REPORTS**

Mrs. Humphrey recognized Mr. Wayne Bass, newly appointed Matoaca District Planning Commissioner, who was present at the meeting.

## **5. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION**

On motion of Mr. Warren, seconded by Mr. Barber, the Board deleted Item 9.B.1., Appropriate Funds and Authorize the County Administrator to Execute a Contract for Construction of a New Roadway and Parking Lot at Robious Landing Park; added Item 9.B.15., Approval of \$150 Per Meeting Fee for Members of the Industrial Development Authority; replaced Item 15.A, Resolution Recognizing Mr. Elliott Alexander Cameron Upon Attaining the Rank of Eagle Scout; added Item 15.B., Resolution Recognizing Mr. John Hilliard for His Contributions to the Chesterfield County Parks and Recreation Advisory Commission; moved Item 16., Zoning Case 03SN0312, to be heard under Item 19., Remaining Mobile Home Permits and Zoning Requests; and adopted the Agenda, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## **6. RESOLUTIONS AND SPECIAL RECOGNITIONS**

### **6.A. RECOGNIZING MR. IRVING O. HALL, EMERGENCY COMMUNICATIONS, UPON HIS RETIREMENT**

Ms. Mayfield introduced Mr. Irving Hall who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Irving O. Hall began his public service with Chesterfield County as a firefighter in October 1969; and after a brief break in service returned to the Emergency Communications Center on May 1, 1975, and faithfully served the county for 31½ years until January 1, 2004; and

WHEREAS, Mr. Hall was able to adapt to the ever-changing environment and growth within Chesterfield County and the Emergency Communications Center, was instrumental in the implementation of the first fire Computer Aided Dispatch

System for Chesterfield County, and participated in the implementation of enhanced 9-1-1 and the county radio system upgrades throughout his career; and

WHEREAS, Mr. Hall displayed a helpful, courteous, and caring attitude while working with internal and external customers; and

WHEREAS, Mr. Hall has provided a high level of commitment to his work performance by being a thorough and conscientious employee; and

WHEREAS, Mr. Hall has provided the Emergency Communications Center and Chesterfield County with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Mr. Hall's diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of January 2003, publicly recognizes Mr. Irving O. Hall, and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mr. Hall, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution to Mr. Hall, accompanied by his wife, Ms. Mayfield and Chief Elswick, expressed appreciation for his dedicated service, and wished him a long and happy retirement.

Chief Elswick stated Mr. Hall was an excellent dispatcher who will be greatly missed.

**6.B. RECOGNIZING LIEUTENANT ROGER HICKS, JR., CHESTERFIELD COUNTY FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, UPON HIS RETIREMENT**

Deputy Chief Paul Shorter introduced Mr. Roger Hicks who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Lieutenant Roger Hicks, Jr. attended Recruit School #4 and began his public service with Chesterfield County as a firefighter on March 15, 1974 and has faithfully served the county for 29 years; and

WHEREAS, Lieutenant Hicks was promoted to Sergeant in 1982 and upgraded to Lieutenant in 1992 after years of serving the citizens and completing the promotion process.

WHEREAS, by providing quality public service, Lieutenant Hicks has symbolized the type of employee Chesterfield County seeks; and

WHEREAS, Lieutenant Hicks' desire to do a good job has been a primary factor that has permitted him to perform at a high level while always striving for excellence; and

WHEREAS, Lieutenant Hicks displayed a caring attitude toward all of his customers, often going out of his way to help those in need, and demonstrated excellent teamwork skills by always being available to assist and work with his co-workers, volunteers and citizens of Chesterfield County; and

WHEREAS, on April 12, 1997, Lieutenant Hicks rescued a two-year old child from under a bed at a structure fire in an apartment; the child was unconscious and not breathing; Lieutenant Hicks began mouth-to-mouth resuscitation and after treatment at MCV the child recovered, and Lieutenant Hicks was awarded the Department's Lifesave Award for his heroic efforts; and

WHEREAS, Lieutenant Hicks was awarded an EMS Lifesave Award for his actions taken on August 26, 1993 when a vehicle collided with a cement truck trapping the patient underneath the truck; and the patient was extricated, treated and transported to the hospital and recovered; and

WHEREAS, Lieutenant Hicks retired from the Chesterfield County Fire and Emergency Medical Services Department on October 1, 2003.

NOW, THEREFORE IT BE RESOLVED, that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of January 2004, publicly recognizes the contributions of Lieutenant Roger Hicks, Jr., expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Lieutenant Hicks and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield county, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

Mr. Miller presented the executed resolution and a Jefferson Cup to Mr. Hicks, accompanied by Chief Elswick and Deputy Chief Shorter, expressed appreciation for his dedicated service, and wished him a long and happy retirement.

Mr. Hicks stated he has enjoyed his service with the county and is looking forward to retirement.

Chief Elswick congratulated Mr. Hicks upon his retirement.

**6.C. RECOGNIZING MR. J. RICHARD WORCESTER FOR CONTRIBUTIONS TO THE CHESTERFIELD COUNTY PARKS AND RECREATION ADVISORY COMMISSION**

Mr. Hammer introduced Mr. J. Richard Worcester who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Parks and Recreation Advisory Commission was established in 1993 by the Board of Supervisors for the purpose of assessing the recreation needs of the county, advising the Board of Supervisors and county staff, and making specific recommendations on the most equitable use of facilities; and

WHEREAS, Mr. J. Richard Worcester was appointed in 1993 as a charter member of the commission representing the Clover Hill Magisterial District, and since that time has served the citizens of Chesterfield County with distinction; and

WHEREAS, Mr. Worcester has continually demonstrated wisdom and foresight serving as chairman of the commission from January 1995 through December 1997 and again from 2000 through 2003; and

WHEREAS, the commission was instrumental in the development of the Mayes-Colbert Ettrick Community Building, the first public community building in Chesterfield County, with programs for county citizens of all ages; and

WHEREAS, the commission strongly supported the passage of the 1996 bond referendum and the resulting acquisition and development of new parks and recreation facilities throughout the county; and

WHEREAS, the commission heard from citizens and studied the needs for skatepark facilities in the county, leading to partnership with the YMCA for construction of a county skatepark; and

WHEREAS, Mr. Worcester and the commission developed a recreational volunteers recognition program, with the first awards ceremonies scheduled for Spring 2004; and

WHEREAS, Mr. Worcester has contributed greatly to the Chesterfield community through his own volunteerism, serving as president of Chesterfield Baseball Clubs, baseball representative of the Gordon Athletic Association and coach for both CBC and AAU/USSSA youth baseball teams.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of January 2004, publicly recognizes Mr. J. Richard Worcester and commends his dedicated and outstanding service to the Parks and Recreation Advisory Commission and to the citizens of Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Worcester, accompanied by Mr. Hammer and Mr. Dove, and expressed appreciation for his valuable contributions to the Parks and Recreation Advisory Commission.

Mr. Dove stated Mr. Worcester will be greatly missed by Parks and Recreation staff.

Mr. Worcester stated he feels it is a civic duty for people to volunteer their time to make the community they live in a better place.

## **7. WORK SESSIONS**

There were no work sessions at this time.

## **8. DEFERRED ITEMS**

There were no deferred items at this time.

## **9. NEW BUSINESS**

### **9.A. STREETLIGHT INSTALLATION COST APPROVALS AND ADDITIONAL FUNDING APPROVAL FOR A PREVIOUSLY APPROVED PROJECT**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved the following streetlight requests:

#### Clover Hill District

- o In the Surreywood Subdivision  
At the intersection of Lake Surrey Drive and Capelwood Drive  
Cost to install streetlight: \$5,156.75
- o At the intersection of Bloomsherry Drive and Yorkdale Drive  
Cost to install streetlight: \$232.67

#### Dale District

- o At the intersection of Beach Road and Nash Road  
Cost to install streetlight: \$99.79
- o In the Huntingcreek Hills Subdivision  
Leafycreek Drive, vicinity of 8906  
Cost to install streetlight: \$1,263.65

#### Matoaca District

- o In the vicinity of 13033 Carters Valley Road  
Additional cost to install streetlight: \$17.00

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

### **9.B. CONSENT ITEMS**

On motion of Mr. Warren, seconded by Mr. Barber, the Board removed Item 9.B.2.c., Resolution Supporting Enabling Legislation to Allow an Increase in the Local Occupancy Tax, from the Consent Agenda for public discussion.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**9.B.2. ADOPTION OF RESOLUTIONS**

**9.B.2.a. RECOGNIZING FIREFIGHTER GEORGE M. MYERS,  
CHESTERFIELD COUNTY FIRE AND EMERGENCY MEDICAL  
SERVICES DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Firefighter George M. Myers retired from the Fire and Emergency Medical Services Department, Chesterfield County, on January 1, 2004; and

WHEREAS, Firefighter Myers attended Recruit School #9 in 1978 and has faithfully served the county for over twenty-five years in various assignments as a firefighter at the Dale Fire and EMS Station, the Manchester Fire and EMS Station, the Dutch Gap Fire and EMS Station, the Airport Fire and EMS Station, the Bensley Fire and EMS Station, the Midlothian Fire and EMS Station, and finally as a firefighter at the Buford Road Fire and EMS Station; and

WHEREAS, Firefighter Myers was involved in many successful fire and emergency medical incident scenes, including functioning as the Acting Lieutenant in charge of Truck Company 14 throughout the operations at the John Tyler Community College fire, preventing the fire from spreading to other parts of the building; and

WHEREAS, Firefighter Myers was recognized in 1993 for his role in one of the earliest successful applications and use of an automated external defibrillator that resulted in saving the life of a citizen suffering from cardiac arrest; and

WHEREAS, Firefighter Myers was recognized in 1993 with a unit citation for his role in the extrication and treatment of two Chesterfield County police officers that were trapped and pinned inside their patrol car beneath a trash truck after having been struck from behind in a serious motor vehicle accident.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of January 2004, recognizes the contributions of Firefighter George M. Myers, expresses the appreciation of all residents for his dedicated service to the county, and extends congratulations upon his retirement and best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**9.B.2.b. RECOGNIZING MRS. LINDA P. BEASLEY, OFFICE OF THE  
COMMISSIONER OF THE REVENUE, UPON HER RETIREMENT**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Mrs. Linda P. Beasley will retire from the Office of the Commissioner of the Revenue on February 1, 2004; and

WHEREAS, Mrs. Beasley began her public service with the county as an auditor-assessor in the Office of the Commissioner of the Revenue on November 19, 1984, and has faithfully served Chesterfield County for 19 years; and

WHEREAS, Mrs. Beasley, through hard work and dedication, progressed from the position of auditor-assessor to her current position of supervisor; and

WHEREAS, Mrs. Beasley grew with the county and demonstrated versatility and the highest level of customer service when working with both internal and external customers; and

WHEREAS, Mrs. Beasley displayed a profoundly caring attitude toward all of her customers, often going out of her way to help those in need, and remaining available to assist her co-workers or staff despite a heavy workload; and

WHEREAS, Mrs. Beasley was often able to use a pleasant demeanor to calm the most irate or disgruntled taxpayers without compromising professional standards; and

WHEREAS, Mrs. Beasley was always willing to share her knowledge in departmental processes, regularly and patiently explaining complicated steps to co-workers; and

WHEREAS, Mrs. Beasley's vast knowledge, years of experience, and tireless dedication to supporting and achieving the goals and objectives of the Office of the Commissioner of the Revenue have enabled her to make a significant contribution to the success of this office; and

WHEREAS, more than anything else, Mrs. Beasley has been a loyal friend to many, never short on compliments, or even a joke or two, with a friendly and caring attitude that will be sorely missed by the county.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Mrs. Linda P. Beasley to the citizens and administration of Chesterfield County, and extends appreciation for her commitment to the county, congratulations upon her retirement, and best wishes for a long and happy retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

### **9.B.3. STATE ROAD ACCEPTANCE**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways,



pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:**      **Addition**

**Basis for Change:**                      **Addition, New subdivision street**

**Statutory Reference:**                **§33.1-229**

**Project:**                      **Providence Creek, Section F**

●                      **Chesbay Court, State Route Number: 5640**

From:                      W. Providence Rd., (Rt. 678)

To:                              Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 11/3/1999 with the Office Of Clerk To Circuit Court in Pb. 107; Pg. 94,  
with a width of 40 Ft.

●                      **Creek Bottom Place, State Route Number: 5642**

From:                      Creek Bottom Wy., (Rt. 4582)

To:                              Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 11/3/1999 with the Office Of Clerk To Circuit Court in Pb. 107; Pg. 94,  
with a width of 40 Ft.

●                      **Creek Bottom Terrace, State Route Number: 5643**

From:                      Creek Bottom Wy., (Rt. 4582)

To:                              Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 11/3/1999 with the Office Of Clerk To Circuit Court in Pb. 107; Pg. 94,  
with a width of 40 Ft.

●                      **Creek Bottom Way, State Route Number: 4582**

From:                      0.08 Mi. W of Creek Bottom Ct., (Rt. 4583)

To:                              Creek Bottom Pl., (Rt. 5642), a distance of: 0.03 miles.

Right-of-way record was filed on 11/3/1999 with the Office Of Clerk To Circuit Court in Pb. 107; Pg. 94,  
with a width of 44 Ft.

●                      **Creek Bottom Way, State Route Number: 4582**

From:                      Creek Bottom Pl., (Rt. 5642)

To:                              Creek Bottom Tr., (Rt. 5643), a distance of: 0.06 miles.

Right-of-way record was filed on 11/3/1999 with the Office Of Clerk To Circuit Court in Pb. 107; Pg. 94,  
with a width of 44 Ft.

●                      **Creek Bottom Way, State Route Number: 4582**

From:                      Creek Bottom Tr., (Rt. 5643)

To:                              Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 11/3/1999 with the Office Of Clerk To Circuit Court in Pb. 107; Pg. 94,  
with a width of 44 Ft.

● **Creek Top Way, State Route Number: 5641**

From: W. Providence Rd., (Rt. 678)  
To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 11/3/1999 with the Office Of Clerk To Circuit Court in Pb. 107; Pg. 94,  
with a width of 40 Ft.

● **W. Providence Road, State Route Number: 678**

From: 0.02 Mi. W of Providence Glen Tn., (Rt. 4584)  
To: Intersection Creek Top Wy., (Rt. 5641) & Chesbay Ct., (Rt. 5640), a distance of: 0.04 miles.

Right-of-way record was filed on 11/3/1999 with the Office Of Clerk To Circuit Court in Pb. 107; Pg. 94,  
with a width of 44 Ft.

● **W. Providence Road, State Route Number: 678**

From: Intersection Creek Top Wy., (Rt. 5641) & Chesbay Ct., (Rt. 5640)  
To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 11/3/1999 with the Office Of Clerk To Circuit Court in Pb. 107; Pg. 94,  
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:      Addition**

**Basis for Change:**                      Addition, New subdivision street

**Statutory Reference:**                §33.1-229

**Project:**                      St. James Woods, Section K

● **Bantry Drive, State Route Number: 5647**

From: Explorer Dr., (Rt. 3998)  
To: 0.02 Mi. S of Explorer Dr., (Rt. 3998), a distance of: 0.02 miles.

Right-of-way record was filed on 9/10/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg 129,  
with a width of 44 Ft.

● **Explorer Drive, State Route Number: 3998**

From: Nevis Dr., (Rt. 6069)  
To: Intersection Moven Pl., (Rt. 5646) & Moven Dr., (Rt. 5645), a distance of: 0.12 miles.

Right-of-way record was filed on 9/10/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg 129,  
with a width of 50 Ft.

● **Explorer Drive, State Route Number: 3998**

From: Intersection Moven Pl., (Rt. 5646) & Moven Dr., (Rt. 5645)  
To: Bantry Dr., (Rt. 5647), a distance of: 0.16 miles.

Right-of-way record was filed on 9/10/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg 129,  
with a width of 50 Ft.

● **Explorer Drive, State Route Number: 3998**

From: Bantry Dr., (Rt. 5647)  
To: 0.03 Mi. W of Bantry Dr., (Rt. 5647), a distance of: 0.03 miles.

Right-of-way record was filed on 9/10/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg 129,  
with a width of 50 Ft.

● **Moven Court, State Route Number: 5644**

From: Moven Dr., (Rt. 5645)  
To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 9/10/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg 129,  
with a width of 40 Ft.

● **Moven Drive, State Route Number: 5645**

From: Explorer Dr., (Rt. 3998)  
To: Moven Ct., (Rt. 5644), a distance of: 0.03 miles.

Right-of-way record was filed on 9/10/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg 129,  
with a width of 40 Ft.

● **Moven Drive, State Route Number: 5645**

From: Moven Ct., (Rt. 5644)  
To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 9/10/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg 129,  
with a width of 40 Ft.

● **Moven Place, State Route Number: 5646**

From: Explorer Dr., (Rt. 3998)  
To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 9/10/2002 with the Office Of Clerk To Circuit Court in Pb.129; Pg 129,  
  
with a width of 40 Ft.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.4. APPROVAL OF UTILITY CONTRACTS**

**9.B.4.a. FOR CRESTWOOD PRESBYTERIAN CHURCH PROJECT**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the following utility contract for Crestwood Presbyterian Church, Contract Number 02-0387, which includes the extension of 355 L.F. ± of 16-inch oversized water lines:

Developer: Crestwood Presbyterian Church  
Contractor: Bookman Construction  
Contract Amount: Estimated County Cost for  
                            Oversizing . . . . . \$10,395.00  
                            Estimated Developer Cost. . . . \$98,234.00  
                            Estimated Total . . . . . \$108,629.00  
Code: (Cash Refunds - Oversizing) 5B-572WO-E4C  
District: Matoaca

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.4.b. FOR ARBOR MEADOWS - SECTION 1 PROJECT**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the following utility contract for Arbor Meadows - Section 1, Contract Number 02-0321, which includes 865 L.F. ± of 12-inch oversized water lines:

Developer: T & H L.L.C.  
Contractor: Bookman Construction  
Contract Amount: Estimated County Cost for  
                            Oversizing . . . . . \$7,545.00  
                            Estimated Developer Cost . . . \$227,026.00  
                            Estimated Total. . . . . \$234,571.00  
Code: (Refunds thru Connection Fees -  
                            Oversizing) 5B-572VO-E4C  
District: Bermuda

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.5. REQUESTS TO QUITCLAIM**

**9.B.5.a. PORTIONS OF A TWENTY-FIVE FOOT SEWER EASEMENT  
ACROSS THE PROPERTY OF BROWN BOVERI POWER  
EQUIPMENT, INCORPORATED**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate

portions of a 25-foot sewer easement across the property of Brown Boveri Power Equipment, Incorporated. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.5.b. A PORTION OF A VARIABLE WIDTH STORM WATER  
MANAGEMENT/BEST MANAGEMENT PRACTICE EASEMENT ACROSS  
THE PROPERTY OF CARR, L.L.C.**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a variable width storm water management/best management practice easement across the property of Carr, L.L.C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.5.c. A PORTION OF A TWENTY-FIVE FOOT SEWER EASEMENT  
ACROSS THE PROPERTY OF CSX TRANSPORTATION,  
INCORPORATED**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 25-foot sewer easement across the property of CSX Transportation, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.5.d. A PORTION OF A SIXTEEN-FOOT DRAINAGE EASEMENT  
ACROSS THE PROPERTY OF HOPE ALLEN FAMILY LIMITED  
PARTNERSHIP**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot drainage easement across the property of Hope Allen Family Limited Partnership. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.5.e. A PORTION OF AN EIGHT-FOOT EASEMENT ACROSS THE  
PROPERTY OF EUGENE FRANKLIN MITCHELL**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of an eight-foot easement across the property of Eugene Franklin Mitchell. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.6. REQUESTS FOR PERMISSION**

**9.B.6.a. FROM ENTERPRISE BUILDERS AND DEVELOPERS, LLC FOR AN ASPHALT DRIVEWAY AND A WOODEN RETAINING WALL TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 14, BAYHILL POINTE, SECTION 13**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Enterprise Builders and Developers, LLC for permission for an asphalt driveway and a wooden retaining wall to encroach within a 16-foot drainage easement across Lot 14, Bayhill Pointe, Section 13, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**9.B.6.b. FROM RALPH A. HUSTON AND WINIFRED J. LOMAS-HUSTON FOR A PROPOSED FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 24, BIRKDALE, SECTION 9**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Ralph A. Huston and Winifred J. Lomas-Huston for permission for a proposed fence to encroach within a 16-foot drainage easement across Lot 24, Birkdale, Section 9, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**9.B.6.c. FROM WILFRED M. ROSE FOR AN EXISTING FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT EASEMENT ACROSS LOT 5, BLOCK A, LAKE GENITO, SECTION B**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Wilfred M. Rose for permission for an existing fence to encroach within a 16-foot easement across Lot 5, Block A, Lake Genito, Section B, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**9.B.7. ACCEPTANCE OF PARCELS OF LAND**

**9.B.7.a. ALONG THE EAST RIGHT OF WAY LINE OF NEWBY'S BRIDGE ROAD AND THE SOUTH RIGHT OF WAY LINE OF HAGOOD LANE FROM DOUGLAS J. HACKMAN AND DEBORAH A. HACKMAN**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land containing 0.832 acres along the east right of way line of Newby's Bridge Road (State Route 649) and the south right of way line of Hagood Lane from Douglas J. Hackman and Deborah A. Hackman, and

authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.7.b. ALONG THE EAST RIGHT OF WAY LINE OF NORTH SPRING  
RUN ROAD FROM TRUSTEES OF SWIFT CREEK BAPTIST  
CHURCH**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted the conveyance of two parcels of land containing a total of 0.246 acres along the east right of way line of North Spring Run Road (State Route 654) from Trustees of Swift Creek Baptist Church, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.8. APPROVAL OF A PIPELINE CROSSING AGREEMENT WITH  
NORFOLK SOUTHERN RAILROAD COMPANY**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the County Administrator to execute a pipeline crossing agreement with Norfolk Southern Railroad Company for the construction of a water line at Dry Bridge Road. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.9. AUTHORIZATION FOR T-MOBILE TO APPLY FOR CONDITIONAL  
USE FOR CONSTRUCTION OF A COMMUNICATION TOWER AT  
MEADOWBROOK HIGH SCHOOL**

Mrs. Humphrey stated there are going to be more instances of communication towers being placed on public sites. She further stated revenue from the towers is currently going into the General Fund, and requested that the Board address how the revenue should be used.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized T-Mobile to apply for conditional use for a communications tower to be constructed at Meadowbrook High School. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**9.B.10. AWARD OF CONSTRUCTION CONTRACT FOR THE ADDISON-EVANS  
WATER TREATMENT PLANT RAW WATER LINE IMPROVEMENTS**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board awarded a construction contract, in the amount of \$362,660, to Waco, Incorporated for County Project #02-0434, Addison-Evans Water Treatment Plant Raw Water Line Improvements, and

authorized the County Administrator to execute the necessary documents.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**9.B.11. TRANSFER OF DISTRICT IMPROVEMENT FUNDS FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO PURCHASE CHAMPIONSHIP BANNERS FOR THE MANCHESTER HIGH SCHOOL GYMNASIUM**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board transferred \$2,500 from the Matoaca District Improvement Fund to the School Board to purchase championship banners for the Manchester High School gymnasium.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**9.B.12. SET DATE FOR PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING CONNECTION AND USER FEES FOR COLLEGE AND UNIVERSITY DORMITORIES**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board set the date of February 11, 2004 for a public hearing to consider an ordinance establishing connection and user fees for college and university dormitories.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**9.B.13. AUTHORIZATION AND TRANSFER OF FUNDS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY FOR THE ACQUISITION OF FIVE ACRES FOR THE MEADOWVILLE TECHNOLOGY PARK**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the transfer of \$83,402 to the Industrial Development Authority for the acquisition of five acres at the Meadowville Technology Park from James Associates.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**9.B.14. APPROVAL OF ADDITIONAL REQUESTS TO 2004 GENERAL ASSEMBLY PROGRAM RELATING TO EROSION AND SEDIMENT CONTROL**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the addition of two items to the 2004 General Assembly Program: 1) increasing civil penalties for violations of the Erosion and Sediment Control Ordinance; and 2) more stringent state regulation of Virginia Department of Transportation projects.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.



**9.B.15. APPROVAL OF \$150 PER MEETING FEE FOR THE MEMBERS  
OF THE INDUSTRIAL DEVELOPMENT AUTHORITY**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a \$150 per meeting fee for the members of the Industrial Development Authority.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

The following item was removed from the Consent Agenda for public comment:

**9.B.2.c. SUPPORTING ENABLING LEGISLATION TO ALLOW AN  
INCREASE IN THE LOCAL OCCUPANCY TAX**

Ms. Elko recognized Mr. Roger Habeck, representing the Chesterfield Chamber of Commerce, who had requested that the item be removed for public comment.

Mr. Anil Patel stated he opposes increasing the local occupancy tax. He recognized 50 people who were present at the meeting that oppose the tax increase. He provided the Board members with a copy of a resolution from the Hospitality Group of Chesterfield County (a component of the Chamber of Commerce) urging the Board not to support the increased tax. He stated he does not feel the county should support activities in the City of Richmond.

Mr. Rick Young, former Chairman of the Richmond Metropolitan Convention and Visitors Bureau, stated he does not feel the county should divert resources to other regional uses until the convention center is fully solvent. He further stated he does not feel the hotel/motel association supports the proposed tax increase and urged the Board to proceed cautiously.

Mr. Charles Friend, representing Shamin Hotels of Chesterfield County, stated he does not support the increased local occupancy tax. He provided the Board with a survey conducted by the Hospitality Group in Chesterfield County and a tally of the Richmond Hotel/Motel Association's vote on the occupancy tax increase, and expressed concerns relative to the disparity between the two documents, indicating that not all of the hotel operators were allowed to vote in the Richmond Hotel/Motel Association's survey.

Mr. Nick Patel, representing Horizon Hotels, provided the Board with details of the taxes currently being paid by hotels in the county and a comparison of lodging taxes in various cities in the state and nationwide. He expressed concerns that the increased occupancy tax, coupled with Governor Warner's proposed sales tax increase, would equal 14.5 percent. He stated the proposed tax increase represents a burden to the industry because guests are resistant to tax rates above 10 percent because they believe they are excessive and unfair.

Mr. B. C. Amin expressed concerns relative to constant lodging tax increases. He stated he is not against the performing arts center, but does not feel the lodging industry should pay for it.

Mr. Jackie Dankos, representing Regency V Ltd. Hotel Company, requested that the Board not support the transient occupancy tax increase. He stated he feels the convention center is well funded and expressed concerns that the Virginia Performing Arts Center has indicated that the convention center has insufficient funding. He stated the proposed tax would not return anything to the county and reminded the Board that 87 percent of the hotels in the county do not support the proposed tax increase.

Mr. Chris Andreano expressed concerns relative to increased taxes targeting certain industries and urged the Board not to support the resolution.

Mr. Tom Winfree, President of the Chesterfield County Chamber of Commerce, stated he does not support the proposed tax increase and does not feel it will benefit the hotels. He further stated he feels the Board should support local cultural activities such as the performing arts center planned for Chester.

Mr. Steve Erie, past-Chairman of the Chesterfield Business Council, stated he supports the proposed tax increase and feels the county will see strong benefits in the areas of economic development and quality of life with a successful convention center and performing arts center. He urged the Board to adopt the supporting resolution.

Mr. Jim Ukrop, Chairman of the Virginia Performing Arts Foundation, stated he feels a new performing arts center will benefit every citizen in the region and a more successful convention center will help every hotel in Chesterfield and every business that depends upon successful hotels. He further stated he feels the resolution represents a way of supporting the project at no real cost to the county, its citizens or the hotel owners.

Mr. Jay Lafler, member of the Greater Richmond Chamber of Commerce Board of Directors, stated he feels performing arts has been proven nationwide to be a very important aspect of municipalities and urged the Board to adopt the resolution to support the program.

Mr. Jack Berry, President of the Richmond Metropolitan Convention and Visitors Bureau, stated a major event at the convention center scheduled for 2005, which represented 9,500 room nights, was canceled because of the condition of Broad Street. He further stated even smaller conventions require hotel room space as far away as Charlottesville and Williamsburg. He stated he has never lost a convention based on the hotel tax and urged the Board to support the resolution.

Mr. Cordell Briggs, representing Briggs Hospitality, stated he has been in the hotel business all of his life. He further stated he has studied this issue, indicating that he supports the proposed tax increase and does not feel it will hurt the hotel industry.

Mr. Tim Armatage, Manager of Days Inn in Chesterfield, stated he has seen first-hand what a convention or a large group can do for his hotel. He further stated he fully supports the

occupancy tax increase and feels it will make the county a better place to live without any cost to the residents.

Ms. Jan Keavey stated she supports the resolution and recognized people who were present at the meeting that also support it. She further stated she enjoys the arts and feels that, by participating in this opportunity for Richmond to be more successful, it will also give Chesterfield the opportunity to be more successful and make it a better place to live.

Mr. Mike Watkins, General Manager of the Holiday Inn Select and President of the Hotel/Motel Association, stated none of the hotels on Midlothian Turnpike were even aware that the Hospitality Group of Chesterfield County existed. He further stated large city-wide conventions will help increase the demand for hotels in the region and expressed concerns relative to lost room nights during the first full year of operation of the new convention center because of the conditions on Broad Street. He stated the performing arts center will help to revitalize Broad Street so that additional large conventions can be booked that will have a tremendous economic impact on the entire region. He stated the entire region only has 14,000 room nights available and requested that the Board support the resolution.

Mr. Michel Zajur, a small business owner and President of the Hispanic Chamber of Commerce, stated he supports the proposed tax increase and feels the performing arts center will benefit various businesses in the region.

Mr. Bo Wilson, a freelance theater artist, stated the benefit of the performing arts center is tremendous and cannot be quantified on any balance sheet. He further stated he feels the county should participate in fixing the city and making it vibrant and keeping it alive.

Mr. John Walter, a teacher at the Maggie Walker Governor's School, stated the school is a shining example of regional cooperation that would not have been possible without the leadership of Chesterfield. He further stated he feels the Board should support the increased transient occupancy tax and take part in this opportunity to enhance the region.

Ms. Allison Holt, a reading specialist at Henning Elementary School, stated she supports the Performing Arts Foundation and requested that the Board adopt the resolution.

Mr. Brad Armstrong, CEO of the Virginia Performing Arts Foundation, stated he feels a performing arts center will make the community a better place to live and work. He further stated the project will bring new revenue to Chesterfield County and make it a more attractive business location. He stated the proposal does not represent any cost to the residents or to the county. He further stated he is personally committed to an arts center in Chester, but does not feel it makes sense to build smaller community-based facilities until the main hub is first built. He urged the Board to support the proposed resolution.

Ms. Emily Walter, a 6<sup>th</sup> grader at Manchester Middle School, stated she wants a performing arts center for her future.

Ms. Emma Grimsdale, a 5<sup>th</sup> grader at Bon Air Elementary School, stated the performing arts center is important to her.

Ms. Clarina Holley, accompanied by her 14-year-old daughter, expressed concerns that she was unable to find performing arts in the region when she moved here five years ago from New York. She stated she feels a performing arts center in downtown Richmond is necessary before branching out into the different communities. She requested that the Board consider the children who can watch live performances before making its decision.

Mr. Roger Habeck stated he feels the performing arts center is an amazing project and would make an excellent contribution to the renaissance of downtown Richmond. He further stated that, because the project will be of benefit and value to the entire region, it should be supported by everyone rather than just a small group of business owners. He stated the last time the transient occupancy tax was increased to fund the convention center, Mr. Harry Daniel, former Dale District Supervisor, promised it would be the last tax increase that would come before the hotel industry. He further stated the number of people in the hotel industry who feel they will benefit from this proposal is substantially in the minority in Chesterfield, indicating that the issue is not about the convention center or the arts center - it is about the tax, and the tax is unfair.

When asked, Mr. Habeck stated he supports regional cooperation, but feels the hotel/motel industry is being targeted through the proposal.

Mr. King stated he does not feel a major portion of the hotel industry supports the proposal, indicating that approximately 75 to 80 percent of the hotels/motels in the county are located in the Bermuda District. He further stated he endorses regional cooperation efforts, but has a problem with targeting any industry. He stated the county is in need of schools, roads and other services, and the proposal represents resources that the county will lose. He stated he will not support the resolution.

Mr. Barber stated he will support the resolution. He further stated he wants to meet with members of the hotel industry to clarify the different positions that have been portrayed. He stated he does not disagree that the tax increase will target an industry, but expressed concerns that the General Assembly has provided very few options to local governments for revenue to support the performing arts center, which he feels is a project the county should support. He further stated he will hold open his option to reserve judgment on implementation of the tax increase if he can be convinced that the resolution was inappropriate.

Mrs. Humphrey expressed concerns relative to conflicting information from the two groups and requested that the County Administrator meet with the hotel industry to review the conflicting information relative to Chesterfield. She stated it is obvious that the performing arts center is a needed facility for the region. She stated it appears the majority of the hotel owners opposed to the occupancy tax increase are concentrated on the Jefferson Davis Corridor, and inquired

whether enterprise zone establishments could be excluded from the proposed tax increase.

Mr. Micas stated local governments can reduce certain fees and taxes in enterprise zones under current law, but it is unclear whether that includes the transient occupancy tax. He further stated language can be included in the resolution requesting that the General Assembly clarify whether local government has the authority to reduce the transient occupancy tax for hotels/motels within enterprise zones.

Mr. Warren stated he feels the performing arts center will be a very valuable resource to the region, and he it makes sense to build the facility in close proximity of the convention center. He further stated he is disturbed that issues regarding Broad Street were not dealt with prior to construction of the convention center. He expressed concerns that another regional project (the Diamond) still has not been settled and that the City of Richmond has not acted upon the transient occupancy tax increase yet.

Mr. Ramsey stated that cities already have the authority to increase transient occupancy taxes without legislative authority.

Mr. Brad Armstrong stated the city has indicated their support of the performing arts facility.

Mr. Miller stated the Board supports the performing arts center and wants it to prosper. He stated he is opposed to targeting a particular industry with an additional burden to help fund such a project. He further stated he will not support the resolution, indicating that he looks to the city to be the initiator for projects within its confines.

Mr. Barber made a motion, seconded by Mrs. Humphrey, for the Board to adopt a resolution supporting enabling legislation to allow an increase in the local occupancy tax, with the inclusion of language requesting that the General Assembly clarify that local governments can provide for a reduced occupancy tax for hotels located in enterprise zones.

Mr. Warren made a substitute motion for the Board to defer action on the resolution until January 28, 2004 to get a clearer indication of the city's position regarding this issue.

There was no second to Mr. Warren's substitute motion.

Mr. Miller called for a vote on the motion of Mr. Barber, seconded by Mrs. Humphrey, for the Board to adopt the following resolution supporting enabling legislation to allow an increase in the Local Occupancy Tax:

WHEREAS, the entire Capital region will benefit greatly from an improved quality of life; and

WHEREAS, the potential economic benefits to Chesterfield County from the Greater Richmond Convention Center are significant; and

WHEREAS, the Richmond Metropolitan Convention and Visitors Bureau must compete with other convention locations that have significantly higher marketing budgets; and

WHEREAS, the revitalization of the south side of Broad Street across from the Convention Center is crucial to the long-term success of the Convention Center; and

WHEREAS, successful conventions create high occupancy in hotel and motel rooms in Chesterfield County; and

WHEREAS, citizens of Chesterfield County deserve to be able to attend performances at first class facilities; and

WHEREAS, the Virginia Performing Arts Foundation's project to create a performing arts center on the existing Thalhimer's block would both improve the neighborhood surrounding the Convention Center and provide outstanding performing arts facilities, both of which would greatly benefit Chesterfield County; and

WHEREAS, on October 16, 2003, the Greater Richmond Hotel/Motel Association membership voted by over a two-thirds majority to support a one percent (1%) increase in the region's transient occupancy tax; and

WHEREAS, hotels and motels in some parts of the County may not derive high occupancy benefits from the Convention Center to the same degree as others;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County, Virginia hereby supports, and encourages the Virginia General Assembly to enact, enabling legislation to allow the counties of Chesterfield, Henrico, and Hanover to increase the local transient occupancy tax by an additional one percent (1%) and to clarify that localities may use the enterprise zone authority granted to them by state law to provide tax relief to hotels and motels in parts of the County found to derive lower occupancy benefits from the Convention Center.

Ayes: Barber, Humphrey and Warren.

Nays: Miller and King.

#### **10. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS**

There were no hearings of citizens on unscheduled matters or claims at this time.

#### **11. REPORTS**

##### **11.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS**

##### **11.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES**

##### **11.C. REPORT ON ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM**

On motion of Mr. Barber, seconded by Mr. Warren, the Board accepted the following reports: a report on Developer Water and Sewer Contracts; a report on the status of General Fund Balance, Reserve for Future Capital Projects, District

Improvement Funds and Lease Purchases; and a report on Roads Accepted Into the State Secondary System, as follows:

<u>ABANDONMENT</u>	<u>LENGTH</u>
<u>0288-020-105, C504, B679, B680, B681</u> (Effective 11/25/03)	
Coalfield Road (Route 754) - From Intersection Centre Point/Charter Colony Parkway (Route 6040) to 0.35 mile north of Intersection Centre Pointe/Charter Colony Parkway (Route 6040)	-0.35 Mi
<u>ADDITION</u>	
<u>BAYHILL POINTE, SECTION 13</u> (Effective 11/25/03)	
Hidden Nest Court (Route 5596) - From Hidden Nest Drive (Route 5595) to Cul-de-sac	0.11 Mi
Hidden Nest Drive (Route 5595) - From Hidden Nest Drive (Route 5595) to Hidden Nest Drive (Route 5595, same point) Via Circle	0.04 Mi
Hidden Nest Drive (Route 5595) - From Sugar Hill Drive (Route 5593) to Hidden Nest Court (Route 5596)	0.05 Mi
Hidden Nest Drive (Route 5595) - From Hidden Nest Court (Route 5596) to Hidden Nest Drive [circle] (Route 5595)	0.03 Mi
Hollow Oak Drive (Route 5597) - From Sugar Hill Drive (Route 5593) to 0.05 mile south of Sugar Hill Drive (Route 5593)	0.05 Mi
Hollow Oak Drive (Route 5597) - From Battlecreek Drive (Route 5013) to Sugar Hill Drive (Route 5593)	0.06 Mi
Sugar Hill Court (Route 5594) - From Sugar Hill Drive (Route 5593) to 0.03 mile north of Sugar Hill Drive (Route 5593)	0.03 Mi
Sugar Hill Drive (Route 5593) - From Hollow Oak Drive (Route 5597) to Intersection Sugar Hill Court (Route 5594) and Hidden Nest Drive (Route 5595)	0.09 Mi
Sugar Hill Drive (Route 5593) - From Intersection Sugar Hill Court (Route 5594) and Hidden Nest Drive (Route 5595) to 0.05 mile east of Sugar Hill Court (Route 5594) and Hidden Nest Drive (Route 5595)	0.05 Mi
<u>BIRKDALE, SECTION 15</u> (Effective 11/25/03)	
Spyglass Hill Circle (Route 5279) - From Spyglass Hill Mews (Route 5609) to Spyglass Hill Mews (Route 5609)	0.02 Mi

Spyglass Hill Circle (Route 5279) - From Spyglass Hill Crescent (Route 5608) to Spyglass Hill Mews (Route 5609)	0.06 Mi
Spyglass Hill Circle (Route 5279) - From Stonecreek Club Place (Route 5610) to Spyglass Hill Crescent (Route 5608)	0.02 Mi
Spyglass Hill Circle (Route 5279) - From Spyglass Hill Crescent (Route 5608) to Stonecreek Club Place (Route 5610)	0.02 Mi
Spyglass Hill Circle (Route 5279) - From Spyglass Hill Place (Route 5607) to Spyglass Hill Place (Route 5607)	0.02 Mi
Spyglass Hill Circle (Route 5279) - From Spyglass Hill Place (Route 5607) to Spyglass Hill Crescent (Route 5608)	0.10 Mi
Spyglass Hill Circle (Route 5279) - From Spyglass Hill Court (Route 5606) to Spyglass Hill Place (Route 5607)	0.04 Mi
Spyglass Hill Court (Route 5606) - From Spyglass Hill Circle (Route 5279) to Spyglass Hill Circle (Route 5279)	0.07 Mi
Spyglass Hill Crescent (Route 5608) - From Spyglass Hill Circle (Route 5279) to Spyglass Hill Circle (Route 5279)	0.05 Mi
Spyglass Hill Mews (Route 5609) - From Spyglass Hill Circle (Route 5279) to Spyglass Hill Circle (Route 5279)	0.07 Mi
Spyglass Hill Place (Route 5607) - From Spyglass Hill Circle (Route 5279) to Spyglass Hill Circle (Route 5279)	0.04 Mi
Stonecreek Club Court (Route 5611) - From Stonecreek Club Place (Route 5610) to Stonecreek Club Place (Route 5610)	0.05 Mi
Stonecreek Club Place (Route 5610) - From Stonecreek Club Court (Route 5611) to Stonecreek Club Court (Route 5611)	0.02 Mi
Stonecreek Club Place (Route 5610) - From Spyglass Hill Circle (Route 5279) to Stonecreek Club Court (Route 5611)	0.06 Mi
Stonecreek Club Place (Route 5610) - From Stonecreek Club Court (Route 5611) to Cul-de-sac	0.07 Mi

#### BRANSFORD

(Effective 11/24/03)

Camberly Court (Route 5622) - From Old Buckingham Road (Route 677) to Cul-de-sac	0.07 Mi
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COALBROOK, SECTION 3  
(Effective 11/25/03)

Coalbrook Drive (Route 5529) - From Heth Drive  
(Route 5530) to 0.17 mile northeast of Heth Drive  
(Route 5530) 0.17 Mi

Coalbrook Drive (Route 5529) - From 0.03 mile  
north of Grove Pond Drive (Route 5527) to Heth  
Drive (Route 5530) 0.04 Mi

Heth Court (Route 5578) - From Heth Drive (Route  
5530) to Heth Drive (Route 5530) 0.05 Mi

Heth Drive (Route 5530) - From Heth Court (Route  
5578) to Heth Court (Route 5578) 0.02 Mi

Heth Drive (Route 5530) - From Heth Court (Route  
5578) to 0.01 mile east of Heth Court (Route 5578) 0.01 Mi

Heth Drive (Route 5530) - From Coalbrook Drive  
(Route 5529) to Heth Court (Route 5578) 0.05 Mi

FOX FIRE, SECTION 2  
(Effective 11/25/03)

Fox Cove Circle (Route 5613) - From Fox Light  
Parkway (Route 5534) to Cul-de-sac 0.32 Mi

Fox Cove Circle (Route 5613) - From Fox Light  
Parkway (Route 5534) to Marsh Light Lane (Route  
5612) 0.04 Mi

Fox Cove Circle (Route 5613) - From Marsh  
Light Lane (Route 5612) to 0.01 mile south of  
Marsh Light Lane (Route 5612) 0.01 Mi

Fox Light Parkway (Route 5534) - From 0.11 mile  
east of Fox Marsh Drive (Route 5549) to Fox  
Cove Circle (Route 5613) 0.04 Mi

Marsh Light Lane (Route 5612) - From Fox Light  
Parkway (Route 5534) to Fox Cove Circle (Route  
5613) 0.27 Mi

FOX FIRE, SECTION 3  
(Effective 11/25/03)

Dusk Light Terrace (Route 5615) - From Fox  
Light Parkway (Route 5534) to Cul-de-sac 0.20 Mi

Moss Light Place (Route 5614) - From Fox  
Light Parkway (Route 5534) to Cul-de-sac 0.14 Mi

FOX FIRE, SECTION 4  
(Effective 11/25/03)

Moss Fire Court (Route 5616) - From Fox Light  
Parkway (Route 5534) to Cul-de-sac 0.12 Mi

STONEWOOD MANOR, SECTION 1  
(Effective 11/21/03)

Hickory Branch Circle (Route 5605) - From Hickory Road (Route 628) to Cul-de-sac	0.02 Mi
Hickory Branch Drive (Route 5603) - From Old Towne Creek Drive (Route 5604) to 0.04 mile north of Old Towne Creek Drive (Route 5604)	0.04 Mi
Hickory Branch Drive (Route 5603) - From Stonewood Manor Drive (Route 5602) to Old Towne Creek Drive (Route 5604)	0.19 Mi
Hickory Branch Drive (Route 5603) - From Stonewood Manor Drive (Route 5602) to 0.17 mile west of Stonewood Manor Drive (Route 5602)	0.17 Mi
Old Towne Creek Drive (Route 5604) - From Hickory Branch Drive (Route 5603) to 0.02 mile east of Hickory Branch Drive (Route 5603)	0.02 Mi
Stonewood Manor Drive (Route 5602) - From Hickory Road (Route 628) to Hickory Branch Drive (Route 5603)	0.11 Mi
Stonewood Manor Drive (Route 5602) - From Hickory Branch Drive (Route 5603) to 0.16 mile north of Hickory Branch Drive (Route 5603)	0.16 Mi

SYCAMORE VILLAGE, SECTION B  
(Effective 11/14/03)

Village Gate Drive (Route 5579) - From Village View Drive (Route 5580) to Village Gate Place (Route 5581)	0.03 Mi
Village Gate Drive (Route 5579) - From Village Ridge Drive (Route 4673) to Village View Drive (Route 5580)	0.06 Mi
Village Gate Drive (Route 5579) - From Village Gate Place (Route 5581) to Cul-de-sac	0.04 Mi
Village Gate Place (Route 5581) - From Village Gate Drive (Route 5579) to Cul-de-sac	0.02 Mi
Village View Drive (Route 5580) - From Village Gate Drive (Route 5579) to Cul-de-sac	0.05 Mi

WATERMILL, PHASE 1  
(Effective 11/10/03)

Billstone Drive (Route 5587) - From Rose Family Drive (Route 5586) to Intersection Water Horse Court (Route 5592) Billstone Place (Route 5588)	0.06 Mi
Billstone Place (Route 5588) - From Billstone Drive (Route 5587) to Cul-de-sac	0.06 Mi
Holding Pond Court (Route 5591) - From Holding Pond Lane (Route 5590) to Cul-de-sac	0.11 Mi
Holding Pond Lane (Route 5590) - From Water House Drive (Route 5589) to Cul-de-sac	0.07 Mi

Holding Pond Lane (Route 5590) - From Holding Pond Court (Route 5591) to Cul-de-sac	0.04 Mi
Holding Pond Lane (Route 5590) - From Water House Drive (Route 5589) to Holding Pond Court (Route 5591)	0.15 Mi
Rose Family Drive (Route 5586) - From Rose Family Lane (Route 5585) to Billstone Drive (Route 5587)	0.09 Mi
Rose Family Drive (Route 5586) - From Rose Family Lane (Route 5585) to Cul-de-sac	0.11 Mi
Rose Family Drive (Route 5586) - From Billstone Drive (Route 5587) to Cul-de-sac	0.11 Mi
Rose Family Lane (Route 5585) - From Windmill Ridge Drive (Route 5584) to Rose Family Drive (Route 5586)	0.06 Mi
Water Horse Court (Route 5592) - From Billstone Drive (Route 5587) to Cul-de-sac	0.06 Mi
Water House Drive (Route 5589) - From Watermill Parkway (Route 5583) to Holding Pond Lane (Route 5590)	0.05 Mi
Watermill Parkway (Route 5583) - From Old Hundred Road (Route 652) to Windmill Ridge Drive (Route 5584)	0.15 Mi
Watermill Parkway (Route 5583) - From Windmill Ridge Drive (Route 5584) to Water House Drive (Route 5589)	0.18 Mi
Windmill Ridge Drive (Route 5584) - From Watermill Parkway (Route 5583) to Rose Family Lane (Route 5585)	0.06 Mi
Windmill Ridge Drive (Route 5584) - From Rose Family Lane (Route 5585) to 0.02 mile east of Rose Family Lane (Route 5585)	0.02 Mi
Ayes: Miller, Barber, Humphrey, King and Warren.	
Nays: None.	

## 12. DINNER

On motion of Mr. Barber, seconded by Mr. Miller, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

Reconvening:

## 13. INVOCATION

Reverend Rick Nicely, Associate Pastor of Salem Baptist Church, gave the invocation.

**14. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Eagle Scout Elliott Cameron led the Pledge of Allegiance to the flag of the United States of America.

**15. RESOLUTIONS AND SPECIAL RECOGNITIONS**

o **RECOGNIZING THE HONORABLE ARTHUR S. WARREN AS 2003 CHAIRMAN OF THE BOARD OF SUPERVISORS**

On motion of the Board, the following resolution was adopted:

WHEREAS, the Honorable Arthur S. Warren, Supervisor representing the Clover Hill District, served as Chairman of the Board of Supervisors from January 2003 to December 2003, and during this period, demonstrated outstanding leadership and insight in handling many diverse and challenging issues facing the county; was responsive to the needs of citizens; exhibited an unwavering dedication to maintaining a high quality of life for Chesterfield County citizens; and tirelessly promoted Chesterfield County as a FIRST CHOICE community throughout the region, state, and nation; and

WHEREAS, Mr. Warren has consistently exhibited fairness, integrity, compassion, and commitment that have been recognized by the board, citizens, the business community, and local and state officials; and

WHEREAS, under Mr. Warren's Chairmanship, the county achieved many successes including maintaining the county's AAA bond rating from each of the three major rating agencies; addressing the challenges resulting from Hurricane Isabel, with approximately 91% of expenditures being reimbursed to the county; addressing the impact of unprecedented cuts in funding from the state; implementing the Revenue Recovery Program, in which to date actual revenue collections have exceeded appropriations; approving a comprehensive agreement for the construction of one high school under the Public-Private Education Facilities and Infrastructure Act of 2002; and Chesterfield County being recognized in the Congressional Record for the exemplary way in which it has financially supported Chesterfield County employees who are military reservists, and their families, during periods of deployment; and

WHEREAS, other successes under Mr. Warren's Chairmanship include the county receiving 12 NACo Achievement Awards and Public Affairs receiving 22 communication awards from NACIO; receiving a federal grant to implement the Juvenile Drug Court Program, which operates using a combination of treatment, community supervision, and judicial intervention; opening of the Clover Hill Police Support Facility, the skatepark at the Manchester YMCA in partnership with the YMCA, and Katie's Playground at Huguenot Park; completing major renovations such as the baseball/softball facilities at Rockwood Park and Bird Athletic Complex; amending the comprehensive plan to add a unique plan for the Village of Matoaca; amending the zoning ordinance to include unique standards to preserve the historic character of the Village

of Matoaca; amending the zoning ordinance to include a Conservation Subdivision residential district to preserve environmental, cultural and historical resources; amending the Subdivision Ordinance to resolve problems with lots that violate county standards; expansions and new company investments of \$88 million and creation of 605 new jobs; recruitment of Magellan Systems International, a producer of specialty fibers and Hospitals Corporation of America (HCA) which expanded its Patient Account Service Center in the county; approving the county's contract for emergency removal of disaster debris months before Hurricane Isabel struck, enabling the county to respond immediately to the needs of citizens after the storm; touring the county soon after Hurricane Isabel to witness firsthand the devastation and destruction to the Clover Hill District, as well as, the rest of the county; and various transportation improvements including the Genito Road widening from South Ridge Drive to Fox Chase Lane, as well as Genito Road/Woolridge Road intersection improvements.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of January 2004, publicly recognizes and applauds the untiring efforts displayed by its 2003 Chairman, the Honorable Arthur S. Warren.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby present Mr. Warren with a plaque recognizing his distinguished service from January 2003 to December 2003.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

Mr. Miller presented the executed resolution, plaque and a gift to Mr. Warren and expressed appreciation for his time commitment and the leadership he provided as 2003 Chairman.

Mr. Warren expressed appreciation to the Board for its support during his chairmanship and to staff for the extraordinary services provided as a result of Hurricane Isabel.

**15.A. RECOGNIZING MR. ELLIOT CAMERON UPON  
ATTAINING THE RANK OF EAGLE SCOUT**

Mr. Hammer introduced Mr. Elliott Cameron who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop,

carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Elliott Cameron, Troop 930, sponsored by West Hopewell Presbyterian Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Elliot has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 14th day of January 2004, recognizes Mr. Elliott Cameron, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. King presented the executed resolution and patch to Mr. Cameron, accompanied by his mother, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Cameron expressed appreciation to his parents, scoutmaster and others for their support.

**15.B. RECOGNIZING MR. JOHN HILLIARD FOR CONTRIBUTIONS TO THE PARKS AND RECREATION ADVISORY COMMISSION**

Mr. Warren introduced Mr. John Hilliard who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Parks and Recreation Advisory Commission was established in 1993 by the Board of Supervisors for the purpose of assessing the recreation needs of the county, advising the Board of Supervisors and county staff, and making specific recommendations on the most equitable use of facilities; and

WHEREAS, Mr. John Hilliard was appointed as a member of the commission representing the Midlothian Magisterial District in 1996, and since that time has served the citizens of Chesterfield County with distinction; and

WHEREAS, Mr. Hilliard served as Chairman of the Athletics Activity Committee from 2000 through 2003 and regularly resolved issues and brought forth policy recommendations later adopted by the commission; and

WHEREAS, the commission provided guidance and direction on development of ball field maintenance standards and capital improvements for new facilities; and

WHEREAS, the commission set schedules for sports season dates and recommended assignments of facilities to co-sponsored leagues; and

WHEREAS, the commission strongly supported the passage of the 1996 bond referendum and the resulting acquisition and development of new parks and recreation facilities throughout the county; and

WHEREAS, the commission developed a recreational volunteers recognition program, with the first awards ceremonies scheduled for Spring 2004; and

WHEREAS, Mr. Hilliard has contributed greatly to the Chesterfield community through his own volunteerism, serving as treasurer, officer and active participant for Huguenot Little League.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 14<sup>th</sup> day of January 2004, publicly recognizes Mr. John Hilliard and commends his dedicated and outstanding service to the Parks and Recreation Advisory Commission and to the citizens of Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Barber presented the executed resolution to Mr. Hilliard, accompanied by members of his family, and expressed appreciation for his contributions to the Parks and Recreation Advisory Commission.

Mr. Hilliard expressed appreciation for the opportunity to serve on the Parks and Recreation Advisory Commission. He commended Parks and Recreation staff for their dedication to serving the citizens of Chesterfield.

**16. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:**  
**- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION**  
**- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 19**

There were no requests for mobile home permits or rezoning on the Consent Agenda.

**18. PUBLIC HEARINGS**

**18.A. TO CONSIDER AMENDMENTS TO THE PLAN FOR CHESTERFIELD RELATING TO THE ETTRICK VILLAGE PLAN**

Mr. Jacobson stated this date and time has been advertised for a public hearing for the Board to consider amendments to The Plan for Chesterfield relating to the Ettrick Village

Plan. He introduced Mr. Steve Haasch to provide a summary of the proposed amendments to the Ettrick Village Plan.

Mr. Haasch reviewed major components of the proposed amendments, including identifying the Ettrick Village Core area as a special place; lowering the recommended density outside of the village core area to a maximum of 2.5 units per acre; using the village commercial land use category for the Chesterfield Avenue area; applying the village district design standards to the Ettrick Village Core area and recommending no additional R-MF or R-TH zoning within that planned geography; reducing Chesterfield Avenue and East River Road from 90-foot major arterials to 70-foot collector roads, and upgrading Granger Street to a 70-foot collector road.

Mr. Miller called for public comment.

Mr. David Robinson stated he supports the amendments as presented, indicating that he particularly likes the treatment of Randolph Farm; identification of historical sites within the Ettrick Village; and mandatory connections to water and sewer for future development in the village. He suggested that a specific designation be included that the use of Ettrick Station as a terminal for high speed rail is a priority of the plan.

There being no one else to speak to the issue, the public hearing was closed.

Mrs. Humphrey commended Mr. Haasch for his efforts in development amendments to the Ettrick Village Plan. She stated she specifically likes the ordinance changes relative to multi-family zoning. She further stated the transportation amendment is workable in the Ettrick Village, and the proposal works with the desires of all residents on Chesterfield Avenue. She requested that Mr. Ramsey direct the Transportation Department to bring to the Board an amendment similar to what Mr. Robinson suggested relative to priority designation of the Ettrick Village Station as a potential high speed rail hub.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved the amended Ettrick Village Plan. (It is noted a copy of the amended plan is filed with the papers of this Board.)

And, further, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY  
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND  
RE-ENACTING SECTIONS 19-144, 19-600, 19-606, 19-608  
AND 19-609 RELATING TO THE ETTRICK VILLAGE PLAN

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-144, 19-600, 19-606, 19-608 and 19-609 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

**ARTICLE III. DISTRICTS**



o o o

DIVISION 18. C-1 CONVENIENCE BUSINESS DISTRICT

o o o

**Sec. 19-144. Permitted uses by right.**

Within any C-1 District, no buildings, structures or premises shall be used, arranged or designed to be used except for one or more of the following uses:

o o o

(i) Commercial parking lots within the Ettrick Village Core.

o o o

(m) Dwellings, single family within the Ettrick Village Core.

o o o

**ARTICLE VII. DEVELOPMENT STANDARDS MANUAL**

o o o

DIVISION 3. DEVELOPMENT REQUIREMENTS - OFFICE, COMMERCIAL  
AND INDUSTRIAL

o o o

*Subdivision IV. Development Requirements - Post  
Development Areas*

o o o

**Sec. 19-600. Areas of applicability and exemptions.**

The post-development areas shall include all lands as specified herein and which are located in office, commercial, business and industrial districts. Post-developed areas shall include:

o o o

(5) Ettrick Community, bounded by Dupuy Road on the north, the Colonial Heights corporate limits on the east, the Petersburg corporate limits on the south and the Seaboard Coastline Railroad on the west, except for that area designated on the Ettrick Village Plan as the Ettrick Village Core area.

o o o

**Subdivision V. Development Requirements - Village  
District**

o o o

**Sec. 19-606. Areas of applicability and exemptions.**

The village district shall include all lands specified in this section.

o o o

- (7) The Ettrick Village Core, comprised of all that area shown on the Chesterfield County zoning maps as Ettrick Village Core or EVC.

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**Sec. 19-608. Exceptional development standards.**

(a) *Parking:* Parking requirements in the village district for indoor commercial recreational facilities; self-service gasoline stations; office buildings of up to 26,500 square feet; restaurants, including fast-food and drive-in restaurants; retail stores; personal services; repair shops; banks; greenhouses; nursery centers; and lawn and garden centers shall be based on the requirements for shopping centers or similar retail groups of buildings as set forth in section 19-513. Improved, designated parking spaces in a public right-of-way may be counted toward the required number of parking spaces so required when more than one-half of each such space adjoins the site. Further, the required number of parking spaces may be reduced by ten percent if the development contains a sidewalk or other pedestrian walkway system that connects to existing walkways or that may be connected to future walkways. In addition if approved by the director of planning, in the Bon Air Village, a business may reduce the required number of onsite parking spaces by pro-rata if it has an agreement with another entity permitting off-site parking on a lot located within the Bon Air Village boundaries or within 1000 feet of the Bon Air Village boundaries. All other requirements of division 1, subdivision II of this manual shall apply as described. In the Ettrick Village Core, the following uses shall be exempt from the requirements of Section 19-513: offices having a gross floor plan area which does not exceed five thousand (5,000) square feet, restaurants and retail uses, including personal services, repair shops, specialty shops and contractor offices without heavy vehicles or equipment.

- (b) *Landscaping:*

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- (2) *Ettrick Village Core:* All development, except commercial parking lots, shall be exempt from the requirements of Article VII, Division 1, Subdivision III. If off-street parking areas are constructed in front of the building line or on a lot without a building, the following minimum landscaping shall be required: a low hedge or low, partially transparent fence along the front setback line.

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(c) *External lighting:* Except for lamps attached to a building, the maximum height for lampposts shall be 20 feet. All requirements of section 19-573 shall apply in the Ettrick

Village Core; however, porch lights, gas lamps and period lighting that is in keeping with the small scale pedestrian oriented character of the village, and that do not use high intensity discharge lamps, shall be exempted from said requirements. Lamps attached to a building shall be no higher than the roofline or parapet wall.

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(h) *Buffers and screening in the Ettrick Village Core:* Buffers required by section 19-523 shall not apply.

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**Sec. 19-609. Setback requirements for O and C Districts.**

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(f) *Ettrick Village Core:* If a uniform pattern of setbacks, lot widths and building widths exists, infill development should generally maintain existing spacing and rhythm. Nothing in this subsection is intended to discourage renovation or expansion of existing structures, except that additions shall not extend farther into these setbacks than the existing building(s). The minimum setbacks for all buildings, drives and parking areas shall be as follows:

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(2) *Side setbacks:* The minimum side setback for buildings, drives and parking areas shall be zero feet, except when adjacent to a lot zoned for residential use, in which case the minimum side setback for buildings, drives and parking areas shall be ten feet. The ten-foot setback for driveways and parking areas may be reduced to zero feet with the provision of a four-foot decorative fence along the adjacent residential lot and the ten-foot setback for buildings may be reduced to zero feet provided that the walls facing an adjacent residential property contain no openings.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**17. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS**

**O MS. PATRICIA RADIGAN WILL ADDRESS THE BOARD REGARDING THE HAZARD MITIGATION PROGRAM GRANT**

Ms. Patricia Radigan described the flooding that has occurred since she purchased her home, which is located in a flood plain, in February 2002, and expressed concerns that flood insurance does not provide the coverage she expected. She stated she has been unable to find a solution to the problem. She further stated the federal government provided a solution in 1993 by establishing a Hazard Mitigation Program Grant for counties to acquire properties to prevent them from continuing to be a chronic flooding problem. She stated the

program provides the county with 75 percent of the money needed to purchase the property at pre-flood market value, and her own insurance proceeds can be used for the remaining 25 percent so that the county could purchase the home at no cost to county taxpayers. She further stated she cannot apply for the grant herself; it must be done by the county on behalf of individual citizens. She stated March 1, 2004 is the deadline for the application to be submitted to the state, and the state will review all applications and decide upon the most high priority properties. She further stated she feels her property is a prime candidate given its flooding history and the fact that she is willing to allow her home to be bought out rather than merely elevated above the flood plain. She stated there would be no cost to the county for an appraisal or survey because this has recently been done. She further stated there are no other obligations of the county regarding infrastructure improvements other than buying out the houses specifically named on the grant. She stated the property would make an excellent two-acre park for the county, and the federal government would benefit by not having to pay claims through the National Flood Insurance Program every time her house floods. She requested that the Board authorize staff to apply for the Hazard Mitigation Program grant to purchase her property.

Discussion ensued between Mr. Miller and Ms. Radigan relative to her knowledge of the home being located in a floodplain prior to purchasing the property.

Mrs. Humphrey inquired whether the other neighbors would be joining in the request.

Ms. Radigan stated two of the four property owners have expressed an interest in the grant.

Mr. Ramsey stated the county would be required to prepare a hazard mitigation plan prior to applying for the grant. He further stated both the Richmond Regional Planning District Commission and the Crater Planning District Commission are in the process of assisting with the preparation of these plans for all of the local governments in the region as a regional project.

Mr. Miller inquired whether the county would be obligated to move forward if the application is approved and also whether the county would be obligated to offer the same option to other property owners in the same situation.

Mr. Ramsey stated there is no obligation, to his knowledge, for the county to proceed if the application is approved. He further stated it is his understanding the application is only for damage that occurred during Hurricane Isabel. He stated he does not feel it would set a precedent to apply for the grant funds on behalf of Ms. Radigan. He further stated, if the Board approves Ms. Radigan's request, staff would like to approach the other property owners on Beach Road with the same terms.

Mr. Miller requested that the Board consider moving forward with Ms. Radigan's request to apply for Hazard Mitigation Program grant funds on her behalf.

Mr. Barber stated he feels it is very clear that this is the right course of action for the Board to take.

Mr. Miller made a motion, seconded by Mrs. Humphrey, for the Board to authorize County Administration to file a Hazard Mitigation Program grant application for the properties identified in the papers of this Board, including the property of Ms. Patricia Radigan.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**18.B. TO CONSIDER INCREASING THE APPROPRIATION OF ANTICIPATED REIMBURSEMENTS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE STATE DEPARTMENT OF EMERGENCY MANAGEMENT BY AN ADDITIONAL \$10,500,000 FOR HURRICANE ISABEL DEBRIS PICK-UP**

Mr. Pitaro stated this date and time has been advertised for a public hearing for the Board to consider increasing the appropriation of anticipated reimbursements from the Federal Emergency Management Agency (FEMA) and the State Department of Emergency Management by an additional \$10,500,000 for Hurricane Isabel debris pick-up.

When asked, Mr. Pitaro stated the county has spent approximately \$9.8 million to date for the debris pick-up program and has received approximately \$900,000 in FEMA reimbursements. He further stated it is his understanding that the county will receive 75 percent reimbursement from FEMA, 16 percent from the state and possibly a three percent administrative cost reimbursement.

Mr. Ramsey stated the \$1.5 million appropriated by the Board on September 21, 2003 should be sufficient to cover the unreimbursed costs.

When asked, Mr. Pitaro stated 61,578 free drop-offs were collected, accumulating approximately 400,000 cubic yards of debris; 116 days of curbside pick-up was provided, accumulating over 600,000 cubic yards of debris; and 28,600 homes received curbside debris pick-up.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board increased the appropriation of additional anticipated reimbursements of \$10,500,000 from the Federal Emergency Management Agency (FEMA) and the State Department of Emergency Management for Hurricane Isabel debris pick-up.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**18.C. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE RUFFIN MILL-PHASE II WATERLINE PROJECT**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the exercise of eminent domain for the acquisition of permanent and temporary construction easements for the Ruffin Mill-Phase II waterline project.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mr. Barber, the Board approved the exercise of eminent domain for the acquisition of permanent and temporary construction easements for the Ruffin Mill-Phase II waterline project and authorized the county to enter and take such easements prior to eminent domain proceedings.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**18.D. TO CONSIDER VACATION OF A PORTION OF AN UNIMPROVED RIGHT OF WAY KNOWN AS SEVERN AVENUE WITHIN PLAN OF CRESCENT PARK**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of an unimproved right of way known as Severn Avenue within Plan of Crescent Park.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to DONALD L. CROOK and PHYLLIS ELDER CROOK, (husband and wife) and CHESTER INVESTMENTS, LLC, ("GRANTEE"), a portion of an unimproved right of way known as Severn Avenue within Plan of Crescent Park, BERMUDA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 4, at Page 110.

WHEREAS, DONALD L. CROOK and PHYLLIS ELDER CROOK, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of an unimproved right of way known as Severn Avenue within Plan of Crescent Park, BERMUDA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 4, Page 110, by J. TEMPLE WADDILL, dated MAY 6, 1928. The portion of right of way petitioned to be vacated is more fully described as follows:

A portion of an unimproved right of way known as Severn Avenue within Plan of Crescent Park, the location of which is more fully shown on a plat made by J. TEMPLE WADDILL, dated MAY 6, 1928, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of right of way sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of right of way be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title to the centerline of the portion of right of way hereby vacated in the abutting property owners within Plan of Crescent Park Subdivision free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and DONALD L. CROOK and PHYLLIS ELDER CROOK, (husband and wife), and CHESTER INVESTMENTS, LLC, or their successors in title, as GRANTEE.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**18.E. TO CONSIDER VACATION OF AN EIGHT-FOOT EASEMENT ACROSS LOT 64, EDGEWATER AT THE RESERVOIR, SECTION 6**

Mr. Stith stated this date and time has been advertised for the Board to consider an ordinance to vacate an eight-foot easement across Lot 64, Edgewater at the Reservoir, Section 6.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to W. V. MCCLURE, INC., a Virginia corporation, t/a MAIN STREET HOMES, ("GRANTEE"), an 8' easement across Lot 64, Edgewater At The Reservoir, Section 6, MATOACA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 131, at Page 23.

WHEREAS, MAIN STREET HOMES, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate an 8' easement across Lot 64, Edgewater At The Reservoir, Section 6, MATOACA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 131, Page 23, by TIMMONS, dated MAY 31, 2002, revised AUGUST 30, 2002, and recorded JANUARY 7, 2003. The easement petitioned to be vacated is more fully described as follows:

An 8' easement, across Lot 64, Edgewater At The Reservoir, Section 6, the location of which is more fully shown on a plat made by BALZER AND ASSOCIATES, INC., dated FEBRUARY 22, 2003, revised JUNE 11, 2003, OCTOBER 10, 2003 and OCTOBER 28, 2003, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the easement hereby vacated in the property owner of Lot 64, Edgewater At The Reservoir, Section 6 free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and W. V. MCCLURE, INC., a Virginia corporation, t/a MAIN STREET HOMES, or its successors in title, as GRANTEE.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.



## 19. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

### 03SN0312

In Matoaca Magisterial District, VICTOR P. MORRISSETTE requests rezoning and amendment of zoning district map from Residential (R-25) to Agricultural (A). Residential use of up to 1.0 unit per acre is permitted in an Agricultural (A) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited for Residential (R-88) zoning. This request lies on 67.3 acres fronting approximately 1,200 feet on the south line of Beach Road approximately 400 feet east of Buckhorn Road, also fronting in two (2) places for a total of approximately 220 feet on the east line of Buckhorn Road approximately 800 feet south of Beach Road. Tax IDs 740-650-6868; 740-651-3549, 6254 and 8357; 741-651-0661 and 3165 (Sheet 24).

Mr. Jacobson presented a summary of Case 03SN0312 and stated the Planning Commission and staff recommend denial because the proposed zoning and land use fail to conform with the Southern and Western Area Plan or the Thoroughfare Plan. He further stated the applicant has submitted an addendum providing one proffered condition indicating that a deed restriction would state that manufactured homes would not be permitted on the property.

Discussion ensued relative to the necessity to eliminate or relocate the proposed road from the Thoroughfare Plan if the request is approved.

Mr. McCracken stated transportation cash proffers have not been offered by the applicant.

When asked, Mr. Jacobson stated the only agricultural use that would be restricted by the proffered condition is manufactured homes, and all other agricultural uses would be permitted on the property if the request is approved.

Mr. Harley Joseph, representing the applicant, stated the current developer has already recorded the lots and was not made aware of the requirement to construct 1.5 miles of offsite water line until he applied for the building permits. He further stated the applicant plans to construct six brick homes on the property, indicating that the adjacent property owners support a large lot subdivision.

In response to a question from Mr. King, Mr. McCracken stated approval of the request would necessitate that either the county eliminate a proposed north/south road from the Plan; find a new location on other property; or build the road, as a public project, across the subject development.

Mr. King stated he has always advocated following the Plan when making zoning decisions.

Mrs. Humphrey stated she feels the Board should take note when a developer comes forward and asks for downzoning, indicating that the current R-25 zoning is not consistent with the current Southern and Western Plan. She noted that the proposed Agricultural (A) zoning is consistent to the

north, south and west of the property. She stated the applicant has left two venues into the neighborhood in the event that future properties to the west or the south develop. She further stated the adjoining property owners support the request. She stated a swamp is located on the back of the property and she does not feel a connector road could be constructed at this location. She further stated she supports the proposed request.

Discussion ensued relative to the number of lots that could be yielded on the subject property under the current R-25 zoning.

When asked, Mr. Jacobson stated the requirement for public water is a timing tool, and a developer could not build on the subject property under the current R-25 zoning until other development occurs that brings public water closer to the property.

Mr. Warren excused himself from the meeting.

Mrs. Humphrey stated some residents have expressed that they do not want public water in that section of Beach Road.

Mr. Barber stated he cannot support the request based on Planning staff and the Planning Commission's recommendations.

Discussion ensued relative to the setback that would be required on the subject property.

Mr. Warren returned to the meeting.

Mr. Miller called for public comment.

Ms. Shirley Dillar inquired whether the water on the property might be affected because of the swamp.

Mrs. Humphrey assured Ms. Dillar that the swamp would not affect the water on the subject property.

There being no one else to speak to the request, the public hearing was closed.

Mrs. Humphrey made a motion for the Board to approve Case 03SN0312.

Mr. Miller seconded Mrs. Humphrey's motion to allow for discussion.

Mr. Micas stated the Board would need a motion to suspend its rules to allow for the proffered condition.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules to allow for the proffered condition.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Miller, for the Board to approve Case 03SN0312.

Ayes: Humphrey.

Nays: Barber, King and Warren.

Abstain: Miller.

Mr. Micas stated the Board must now adopt a motion to dispose of the zoning case.

Mrs. Humphrey made a motion, seconded by Mr. Miller, made a request that the Board deny Case 03SN0312.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**20. ADJOURNMENT**

On motion of Mr. Barber, seconded by Mr. Warren, the Board adjourned at 8:32 p.m. until January 28, 2004 at 3:30 p.m.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

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Lane B. Ramsey  
County Administrator

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Kelly E. Miller  
Chairman